Preserve

G R S IX 5]

Previous references
Rel 324-10 SS 1924 Bmay 1911
1919.
(Rel) 29/15

File No 52-18

Serial Nos 4 + 7

Later references

GENERAL AND REVENUE SECRETARIAT.

Serial Nos 4 + 7

Part B for April 1919

SUBJECT

Rules and bye laws under the Municipal Regulation

From the by secretary Dumka
No dated 28 Jan 19.
Requests sanction certain rules framed by the Dumka Town Rel Cl to regulate the storage of grain in mandis under sec 89 of the Rel Regn

To the Commissioner, Bhagalpur Division
No 1360 dated 24 4. 19

Comments on the Dumka town Rel Cl under the powers specified in sub section 2 of section 89 of the Bhagalpur Rel Regn of 1906 and proposing fines to be imposed for breach of rules

Y. D. 1250—GEB—30,000 28-1-19

Memo to the Secretary Jonathan Daniels
re 13603 of 24.4.42
forwards copy of the above

Yours sincerely
Byrnes

G R S III—1] 191 .

GENERAL AND REVENUE SECRETARIAT

(Rev)

NOTES

Rev File No 52-18

FILE HEADING

Rules and bye laws under the Rev Regn

From

The Dy Comr Tumkur

No L.T.H.O.C.78 Dated 13-1-19 Received 21-1-19

Diary No 9494	Enclos	Spare Copies	Serial No 4

BRIEF ABSTRACT OF LETTER

Requests sanction to certain rules framed by the Tumkur Munl Council to regulate the storage of grain in godowns under section 149 of the Munl Regn

NOTES AND ORDERS

It is not clear whether section 149 (reg) of the Rev Regn which enables govt to confer certain powers on Municl Councils in order to prevent overcrowding can be held to extend to prevention of the use of certain land

NOTES—First Sheet

WD 1232—GPB—20 000—18 11 1.

G R S III-2]

General and Revenue Secretariat

File No. 52 of 1918.

Serial No

for storing grain. The local Advocate may be consulted

28/1/19

From the letter of the Resident it is seen that no objections of any kind have been invited from the public affected & it is perhaps necessary that this type of approval is conveyed to the rules framed. The Comm. will make sure & see what the Municipal Comm. have to say in the matter.

There is no question that the proposal is a. how much force in it and some alterations are necessary to improve the health of the municipal portion of the town. The local advocate may be consulted as regards the rules framed.

Temp. Member

29/1/19

29/1/19

4/2/19

Forwarded with compliments to the Govt. as desired for favour of opinion.

5/2/19.

By order
for Secretary

Note—Contn. sheet.

JWD A 1739—GPB—60,000—20-3-18—S.

(3

G R S III 2]

General and Revenue Secretariat

Ml File No 52 of 191 8

Serial No.

77/18-8

21-2-1919

BEN. & M'S SECTT. Rev Secy 22 FEB 1919

59564

6 Section 149 of the Ml Regulation clearly provides for powers being conferred on Municipal Councils and rules being framed limiting etc. Such powers in cases where, in the opinion of the Government, any risk of disease has arisen or is likely to arise, either to the occupier himself or to his neighbours by reason of the impracticability of cleansing any such buildings (S 149 Sub-section (1)(b)) or by reason of the narrowness or bad arrangement a condition of buildings (Sub-sect (1)(d))

7 The rules under contemplation, providing for safeguards against the conditions of risk of disease as referred to above, are therefore, clearly within the Spirit of the section.

The only other question is regarding the procedure to be adopted. Section 149 provides for all or any of the powers referred to in sub-section (2) of S 149 being conferred on Ml Councils and as to for making rules, if the Governor-General

NOTE—Contd Sheet

WD A 1789—GPE—60 000—20 8 18—S.

G R S III 2]

General and Revenue Secretariat | Ml File No 52 of 1918

Serial No.

deems it necessary, to prescribe any limitations, restrictions, etc, on the powers of such Councils in carrying out such powers.

2) The procedure laid down by section 142 therefore requires -

(a) ~~[illegible]~~ that such of the powers mentioned in Clause (2) as appear to be necessary have first to be conferred on the Ml Council of Trichy, by Notification by the Govt

(b) the Ml Council has then to make bye laws.

The draft rules now proposed are suitable for the purpose intended for and may be adopted as bye laws by the Council after obtaining the necessary powers as stated above.

11 In the rules that the Govt may be pleased to frame (upon subjection (1)) will have to be made for punishment in case of breach of the bye laws - to be framed (as laid down in Clause (e) of section 142 (2))

Submitted
Govt advocate
21-2-19

WD A 1789—GPE—60 000—20 8 8—S.

G R S III 2]

General and Revenue Secretariat. | 2nd File No. 52 of 1918

Serial No

12 Submitted for orders with the opinion of the Govt Advocate together with a draft notification conferring the powers under Sub-Section 2 (3) of Section 149 of the Regulation for want of approval

13 It is the Govt and not the Municipal that has to make rules under the above section and the drafting of the rules under this Section by the Junkers from Municipal Council is accordingly ultra vires.

Submitted for orders,

4.3.19

14) From the opinion furnished by the Govt advocate it is to be seen that three stages have to be observed in re this question

(1) Imposing of power by Govt on the municipal under sec 149 (1)

(2) Rules to be framed by Govt-vesting discretionary powers or limiting the exercise of the powers &

(3) Bye laws to be framed by the municipality It is by no means clear under what and

NOTE—Contn sheet

WD A 1789—GPB—60 000—20-3 19—S

9994 (6

G R S III-2

General and Revenue Secretariat | Jud File No 82 of 1916

Serial No	
	the mil. council can undertake the [illegible] item. The section itself neither contains any provision in this behalf I submit therefore that if the mil council are empowered under sec 149 (1) all that need be [illegible] & prescribe the conditions under which the mil council may exercise the said power & the [illegible] and [illegible] a penal clause for enforcement of the orders of the mil council Rules by the mil council itself would appear unnecessary & unnecessary. Subd for orders
3463/6 9	
	MK 5/3/19
	Temp[y] member)
	15) It appears to me that bye-laws framed by municipality are not in accordance with the spirit of sec 149 - under that section no general rules can be framed the breach of which is [illegible] of breaches of bye-laws & the penalty are made applicable are barred to them by reason of mere fact the case of these rules. Each house or premises is intended to be dealt with separately according

NOTE—Contn.

(7

G R S III-2]

General and Revenue Secretariat | Ind File No. 52 of 1918

Serial No

the circumstances of each case the Municipality has power upon each such application to make alterations or improvements in the houses occupied in their pursuance of the Council's what the Govt can do in case frame rules under which the Municipality may exercise such powers which the Govt may confer upon the Municipality shall be exercised. The Govt have no power in the Municipality but the Municipality has no power, under section 149, to say that such & such a house shall be used as a Mandi for the storage of grain. The Municipality if such would by the Govt can call upon it when to execute certain improvements and if the Govt provides for punishment for any breach of their directions, in default when such shall have been made.

16) What the Govt can do in the case of persons the class of houses or the area over which the Municipality can exercise its powers and this can be done in the notification itself which confers the powers. The object of the Municipality in framing its rules is to keep its standard under the provision of section 149. So the

NOTE—Contn sheet

WD A 1789—GPB—60 000—20 3 13—S.

G R S 111-2]

General and Revenue Secretariat | Jud. File No 52 of 1915

Serial No

Enclosed only marked passport to be issued under the powers conferred by G. of I. Notification No. 1602 dated 24-4-1917.

Copies of the Notification No. 1602 dated 24-4-1917 specified in Rule 2 (3) of the said Rules are to be found in Home Dept. File No. 1106 of 1917.

NOTE—Contd sheet

G R S III 2]

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General and Revenue Secretariat | Ml File No. 52 of 1918

Serial No	
	be imposed for breach of order made by the Md. Col.
	Memo no 13603/8
	Copy of Court Proceedings & forwards C of B of the above notes. with certain observations

NOTE—Contin sheet

WD A 1769—GPB—60 000—20-8-18—E.

JAN 1919
D 9994
W C 5218/14

Office of the Deputy Commissioner,
Tumkur District,
Tumkur Dated, 13th January 1919

From
A. Subramanya Iyer, Esquire, B A.,
Deputy Commissioner, Tumkur District

To
B Ramaswamaiya, Esquire, B.A., B L.,
Secretary to Government of His Highness the Maharaja of Mysore,
(Revenue Department) Bangalore

Sir,

I have the honour to state that the question of shifting the Mandies from the present site first came up before the Municipality about 20 years ago when the southern extension was formed. Some sites were actually parcelled out and given to merchants for the purpose of constructing new Mandies But only one building has till now been constructed and the subject of shifting these (the remainder) is being pressed upon the attention of the Municipal Council every now and then

For the last one year and over plague has become almost endemic and the continued prevalence of it, is attributed to the large storage of grain in the Mandies The Sanitary Commissioner in his letter No 992 dated 8-4-1918 has observed " that it is due to the excessive accumulation of food grains in shops and even in private houses without proper safeguards to prevent the abnormal multiplication of rats in consequence" At the commencement of the last out break almost every available vacant house in the town was converted into a grain store with the result that every one of these became a centre of infection

The Mandi merchants who were more than once interviewed and consulted in this matter were advised to store grain in places which may be specially set apart for this purpose, and in spite of every endeavour on the part of the Municipality to afford fecilities for acquisition of land grant of a separate railing, siding etc it was not found possible to come to settlement

During the inspection of the Town by the Dewan in the month of March last this year, he has also observed that one of the requirements of the town brought to his notice was " The construction of a new Mandipet by the

WD M83—Grb—3,00,00—21-7-17—B.

1918-19 33525

From The Deputy Commissioner
Tumkur District Tumkur

To The Secretary to Government of
(Revenue Department) Mysore
Bangalore

Dated
Despatched 17 th January 1919
Received 20 JAN 1919

General No L J Misc 7 & 4 18-9
No.

Enclosure No Three

Requesting sanction to entertain Audit
proceeds under Sec 149 of the municipal
Regulation

(11

the Municipality in place of the present one which is said to be unhealthy " It was ascertained that every case of plague attack could be traced to the infection in the Mandipet Prompt measures had to be taken in order to remove the source of infection and finding that the merchants could not be induced to shift the Mandies from the present position, it was thought very necessary to take some preventive action in the interest of the public health of the town, and accordingly, a few rules were framed to regulate the storage of grain in Mandies under section 149 of the Municipal Regulation These rules are intended to prevent indiscreminate accumalation of food grains, except in the places approved by the Council This is a special power which should be conferred upon the Municipality by Government, and a copy of the rules framed under this section and approved by the Council has been appended to this letter for your kind perusal

Sufficient provision has been made for putting the present Mandies in a fairly satisfactory condition, and without invoking the powers under this section it is found impracticable to deal with the situation

In these rules framed, the penal clause has not been mentioned Under clause 4 of this section a fine not exceeding Rs 50/- for every breach of this rule and Rs 20/- for a day for every continuing breach may be prescribed

The whole matter was discussed at two suceessive meetings of the Council which unanimously resolved that it was necessary to take action under the special provision referred to in this letter A copy of the resolution of the Council is herein enclosed for you perusal

In these circomstances I request that the matter may be place before Government and early sanction obtained for the rules framed and conferring of the powers under section 149 of the Municipal Regulation

I have the honour to be

Sir,

Your Most Obedient Servant

Deputy Commssioner
Tumkur District

MKN.

Govt No 52-8/54 12

Proceedings of the 4th general meeting of the Tumkur Town Municipal Council held on Saturday the 26th October 1918 at 8 A M

&&&&&&&&&&

President

1 A. Subramanya Iyer, Esqr B A , President
2 Mr Y Rama Rao,B A , Vice President
3 ,, N S. Nanjundaiya Dist Medl & Sany Officer
4 ,, H Venkataramaiya, B A ,B L , Advocate
5 ,, C Krishna Rao B A ,B L ,
6 ,, K Ranga Iyengar,B A ,L L B ,
7 ,, J S Kannaiya Setty
8 ,, G Channaverappa
9 ,, H Ramakrishnaiya
10 ,, Abdulnabhikhan Sahaib
11 ,, B Mallappa
12 ,, MakamGangadharappa

Absent

13 ,, MahamadYusuff Sahaib
14 ,, Namaramaiya Setty
15 ,, A K Mylarappa
16 ,, A. Nagarajappa
17 ,, T C Revanna
18 The Executive Engineer Tumkur Division
19 The Rev A Brockbank
20 Mr Kodandarama Setty

X X X

X X X

V111 Draft rules framed under section 149 of the Municipal Regulation to prevent storage of grain in Mandi-pet and other parts of the Town

Resolved that the Bye-laws be approved and the necessary sanction of Government be obtained

X X X

X X X

Sd/A Subramanya Iyer

President

C O P Y

President

MKP

(13

Draft Rules framed under section 149 of the Municipal Regulation.

|----|

As the periodical outbreak of plague in Tumkur is in a large measure attributable to the storage of grain and other articles of consumption in Mandies which are badly constructed and badly arranged and in dwelling houses and vacant buildings in other parts of the Town, certain remedial measures are urgen ~~gently~~ called for The following rules are, therefore framed under section 149 of the Municipal Regulation

How can you?

1 No Mandi or other building in the town shall be used as a place for storage of grains or other articles of consumption except in the buildings specially allowed for this purpose by the Vice President

2. All Mandies and buildings not so specially set a-part shall be allowed contain grain or other articles of consumption provided that they are of the following description and provided that no such place or places shall be used to store grain or other article

5

64

of consumption in excess of 100 bags

(a) The flooring shall be made impervious either by stone-slabing or by tile flooring

(b) The roofing shall consist of Mangalore tiles or terrace and shall be made rat proof.

(c) Bags shall always be kept on a raised plat-form allowing sufficient space to go round and find out rat holes and dead rats.

(d) Whenever grain is measured it shall always be done on a stone pavement whethe inside or outside the buildings

Nothing in these shall prevent any Mandi merchant or owner of any building from exposing for sale or purchase any quantity of grain provided that it is removed before sunset and also any householder for storing grain or other articles of consumption required for ordir use and consumption

President

NKN.

(15

G R S VI—G/32

SUBJECT

Diary No of letter replied to 9994

Section Rel
File No 52-18
Serial No 7

GENERAL AND REVENUE SECRETARIAT
( )
the 191

Notification
No 1360 & 24 4 19

Date of issue 24 4 19

Signed by Jun B Rama Swamy

Under Section 149(1) of the Mysore Municipal Regulation VII of 1906, the Govt of H.H. the Maharaja of Mysore are pleased to confer on the Tumkur Town Municipal Council all the powers specified in sub Sections (2) & (3) thereof to be exercised over the Gravellandis situated within the local area under the control of the said Mul. Cl. viz.,

over

(b)

~~Selected~~ ~~Sub Section~~
(2) (A)(3)

And under Sec. 149 (4) of the said regulation a fine not exceeding fifty rupees for every breach and a further fine not exceeding twenty rupees a day for every continuing breach, of any order made or conditions imposed by the Dist. Ch. in exercise of the above powers. ~~as prescribed~~

(They are further prescribe)

By order

M 29/1/19
for Rev. Secy.

List of enclosures

2. The compiler Mysore Gazette for publication with a request that a dozen printed copies may be sent to this office for record.

Memo no. 13603

Copy forwarded to the Dy Comr Tumkur for with reference to his letter No. L-2. HO C. 78 of 18-19 dt 13-1-19

Copied by

Examined by

W Dsf—GPB—60,000—15 11 16

Enter next page number

2

M
for Secy to Govt.

G R. S 27

GENERAL AND REVENUE SECRETARIAT

(*Continuation sheet draft form.*)

2 The Draft rules received with the communication should be sanctioned as Section 114 of the Municipal Regulation does not empower a Municipal Council to frame rules or by laws in the matter and as the Draft rules are not in accordance with the spirit of the said Section, under which each building or group of buildings is intended to be dealt with separately according to the circumstances of each case. The Municipal Council will therefore have to serve upon the owner of each building a Notice calling upon him to make the alterations and improvements in the buildings that are

GPE—10,000—7-7 14

(6)
Considered necessary
by Mrs. Byrde

31.3.1989